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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,711	10/25/2001	David B. Lloyd	345008002US1	5399
25096	7590	08/11/2004	EXAMINER	
PERKINS COIE LLP PATENT-SEA P.O. BOX 1247 SEATTLE, WA 98111-1247			CHERUBIN, YVESTE GILBERTE	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/032,711	LLOYD ET AL.	
	Examiner	Art Unit	
	Yveste G. Cherubin	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,3 and 11 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1. ☐ Certified copies of the priority documents have been received.
 - 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>March 17, 2003</u> | 6) <input type="checkbox"/> Other: _____ |

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ACTION

1. This action is in response to the communication of US Application No. 10/032,711 filed August 6, 2004. Claims 1-3, 11 are pending.

Election/Restrictions

2. Claims 4-10, 12-31 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected Groups II-VII, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on April 20, 2004.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the current saved state" in page 2, line 13. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

Claim 1 further recites "the current state" on page 2, lines 14, 16, 18. There is antecedent basis for this limitation in the claim. Appropriate correction is required.

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Allowable Subject Matter

4. Claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 2-3, 11 are allowed over the prior art of record.

The following is an examiner's statement of reasons for allowance: upon extensive searches of adapting a game state to be compatible with a new version of a game, the Examiner respectfully submits that the prior art of record fails to disclose "a method in a computing system for adapting states used with a first version of a game for use with a second version of the game, comprising: automatically generating a rule to modify states used with the first version of the game to satisfy the identified dependency, and for each of one of more states used with a first version of the game, applying the generated rule to the state", as recited in independent claims 2 and 11. Hence, the Examiner has allowed claims 2-3, 11.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Prior Art Citations

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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- a. US Patent No. 5,873,097 to Harris et al. which teach update mechanism for computer storage container manager.
- b. US Patent No. 5,806,078 to Hug et al. which teaches version management system.
- c. US Patent No. 5,805,899 to Evans et al. which teach method and apparatus for internal versioning of objects using a mapfile.
- d. US Patent No. 5,740,405 to DeGraaf, which teaches method and system for providing data compatibility between different versions of a software program.
- e. US Patent No. 5,974,254 to Hsu, which teaches method for detecting differences between graphical programs.
- f. US Patent No. 6,519,767 to Carter et al. which teach compiler and method for automatically building compatible version object applications.
- g. US Patent No. 4,807,182 to Queen which teaches apparatus and method for comparing data groups.
- h. US Patent No. 4,558,413 to Schimdt et al which teach software version management system.
- i. US Patent No. 6,298,353 to Apt, which teaches checking serialization compatibility between versions of java classes.
- j. US Patent No. 6,658,659 to Hiller et al. which teach compatible version module.

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Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yveste G. Cherubin whose telephone number is (703) 306-3027. The examiner can normally be reached on 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, A. Wellington can be reached on (703) 308-2159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JESSICA HARRISON
PRIMARY EXAMINER